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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/704,911	08/30/96	NORITAKE S	SANKY-P-115

34M1/1211

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EXAMINER
BALL, J

ART UNIT	PAPER NUMBER
3407	549

DATE MAILED: 12/11/97

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/704,911

Applicant(s)
Noritake et al.

Examiner
John Ball

Group Art Unit
3407



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-13 is/are pending in the applicat

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-11 is/are rejected.

☒ Claim(s) 12 and 13 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892 .

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 3407

DETAILED ACTION

Drawings

1. New formal drawings are required in this application as noted in the enclosed Notice of Draftsperson's Patent Drawing Review, PTO-948.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 3, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nonaka in view of Burkhalter. Nonaka discloses the invention substantially as claimed, however, Nonaka does not show a motor and gears. Nonaka shows a damper arranged in a passage in a refrigerator through which cold air flows, comprising: a frame (72) constituting a part of the passage; a cold air gate (near 71) formed at the center of the frame; a baffle (71), rotatably secured on a rotation shaft (71a) formed on the frame, for opening and closing the cold air gate; a rotation mechanism (79) for swinging the baffle between open and closed positions of the cold air gate; the baffle being arranged to enclose a neighboring region by the frame at the position it closes the cold air gate. Regarding claim 3, the baffle is rotatable to the position at which the cold air gate completely opens. Burkhalter teaches the rotation mechanism including a motor (16, Fig.

Art Unit: 3407

2) arranged outside the frame and in the vicinity of the rotation shaft (12) of the baffle; an output shaft (near 17) of the motor being rotatably secured to the rotation shaft of the baffle, the output shaft of the motor is attached to the rotation shaft of the baffle via a decelerating gear (22) for the purpose of having a motorized means for operating a baffle. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Nonaka by using a motor as taught by Burkhalter for the purpose of having a motorized means for operating a baffle. Regarding claim 6, Nonaka shows a tip of the baffle overlaps the frame when the baffle closes the cold air gate, and the tip of the baffle is exposed outside the frame when the baffle opens the cold air gate.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nonaka in view of Burkhalter as applied to claims 1-3 above, and further in view of Swain et al. Nonaka in view of Burkhalter discloses the invention substantially as claimed, however, Nonaka in view of Burkhalter does not show the baffle rotatable by about 90 degrees. Swain et al. teaches the baffle is rotatable by about 90 degrees from the closed position to the open position of the cold air gate for the purpose of achieving better flow. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Nonaka in view of Burkhalter by having the baffle rotatable by about 90 degrees as taught by Swain et al. for the purpose of achieving better flow.

5. Claims 5, 9, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nonaka in view of Burkhalter as applied to claim 1 above, and further in view of Hood et al.

Art Unit: 3407

Nonaka in view of Burkhalter discloses the invention substantially as claimed, however, Nonaka in view of Burkhalter does not show a stepping motor, a magnet on the fan-like gear, or a Hall-effect integrated circuit. Nonaka in view of Burkhalter shows the rotation mechanism is comprised of a pinion (17, fig. 2 Burkhalter) fit to an output shaft of the motor, a fan-like gear (22) engaged with the pinion, and a shaft (12) for fitting one end to the fan-like gear and for engaging another end with the baffle; one end of a spring (73, fig. 4 Nonaka) is attached to the baffle on the side of the cold air gate and another end of the spring is attached to the frame; and the baffle is engaged with the shaft in a manner so as to provide a certain space therebetween. Hood et al. teaches the motor is a stepping motor (abstract) for the purpose of moving the baffle to predetermined positions. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Nonaka in view of Burkhalter as taught by Hood et al. for the purpose of moving the baffle to predetermined positions.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nonaka in view of Burkhalter as applied to claim 1 above, and further in view of Mingrone et al. Nonaka in view of Burkhalter discloses the invention substantially as claimed, however, Nonaka in view of Burkhalter does not show a slanted configuration. Mingrone et al. teaches the cold air gate is arranged on the frame in such a way that the position which the baffle closes the cold air gate is slanted with respect to the cold air flow (Fig. 12) for the purpose of having an efficient design within the space limitations. It would have been obvious to one of ordinary skill in the art at the

Art Unit: 3407

time of the applicant's invention to modify Nonaka in view of Burkhalter as taught by Mingrone et al. for the purpose of having an efficient design within the space limitations.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nonaka in view of Burkhalter as applied to claim 1 above, and further in view of Breen. Nonaka in view of Burkhalter discloses the invention substantially as claimed, however, Nonaka in view of Burkhalter does not show two baffles. Breen teaches two baffles arranged in about the center of the passage in the frame for the purpose of better controlling flow in a large passage. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Nonaka in view of Burkhalter by having two baffles as taught by Breen for the purpose of better controlling flow in a large passage.

Allowable Subject Matter

8. Claims 12 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. The prior art made of record and not relied upon above which is considered pertinent to applicant's disclosure includes the following: Beach, Jr. et al., Chestnut et al., Oike, Kang et al.,

Serial Number: 08/704,911

Page 6

Art Unit: 3407


Kim et al., Hester, Song (shows motor damper), Reinicke et al. ('286 and '744) (shows Hall effect devices).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Ball whose telephone number is (703) 308-0709.



John Ball

November 28, 1997



DENISE L. FERENSIC
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